

FLOYD G. COTTRELL, P.A.

MEMO ENDORSED

August 29, 2008

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VIA FAX (914) 390-4152
Honorable Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: **Andrew L. Barnum and Patricia**
Barnum vs. Arthur vs. Sherman, et al.
Civil Action No. 7:08-cv-06344/KMK
Our File No. 03-07-008

Dear Judge Karas:

The undersigned represents defendants K. Smith Trucking and Arthur V. Sherman with regards to the above matter.

The deadline for these defendants to file an Answer is today. This office is presently awaiting assignment of an ECF User Code and password to allow the documents to be filed electronically. I write today to respectfully request permission from the Court to electronically file a late Answer upon receipt of the Username and password.

In accordance with the Court's individual rules, prior express permission to submit this faxed correspondence was provided by Lisa of the Court's Chambers.

No previous requests have been made with the court for additional time to file an Answer of the within matter.

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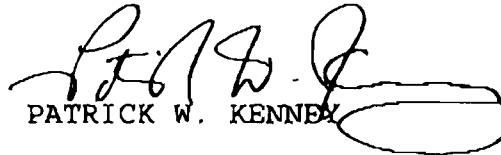


THE LAW OFFICES OF
FLOYD G. COTTRELL, P.A.

Plaintiff's counsel has given consent to the extension of the time for filing of one week. The requested extension, if granted, will not affect any other scheduled date. //

The Court's consideration in this regard is greatly appreciated. If I may provide any further information to the Court, please do not hesitate to call upon me.

Respectfully submitted,



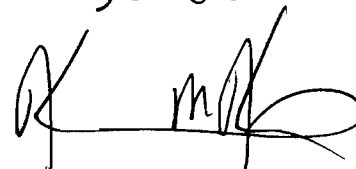
PATRICK W. KENNEY

PWK:ec

cc: David B. Lever, Esq. via fax (914) 288-9197

Brian Del Gatto, Esq., via fax (203) 388-9101

Defendants & Smith Trucking and
Arthur V. Sherman have until September 11, 2008
to answer the Complaint.

So ordered.

9/3/08